

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

NESTLÉ PURINA PETCARE COMPANY,)	
)	
Plaintiff/Counterclaim Defendant,)	
)	
v.)	
)	
THE BLUE BUFFALO COMPANY LTD,)	
)	
Defendant/Counterclaim Plaintiffs,)	Civil Action No. 4:14-cv-00859-RWS
)	
v.)	
)	
BLUE STATE DIGITAL INC., et al.,)	
)	
Counterclaim Defendants.)	

**BLUE STATE DIGITAL’S RULE 12(b)(6)
MOTION TO DISMISS SECOND AMENDED COUNTERCLAIM**

Counterclaim Defendant Blue State Digital Inc. (“BSD”), by its attorneys, pursuant to Rule 12(b)(6), Fed.R.Civ.P., respectfully moves this Court for an order dismissing BSD from the Second Amended Counterclaim (Doc. 113) for failure to state a claim upon which relief can be granted. In support of its motion, BSD files today its memorandum of law and adopts and incorporates the memorandum of law filed by PRCG/Haggerty LLC in support of its motion to dismiss. (Doc. 142-1.)

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2015, the foregoing was served on all counsel of record via this Court's electronic filing system.

/s/ Michael A. Kahn